

DOCKET NO.: JANS-0075 (JAB1721USPCT)
Application No.: 10/524,197
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PATENT

REMARKS

This Reply is filed as a Supplemental Reply to the October 23, 2007 submission. The claims are presented inclusive of the amendments made in the previous Reply. In addition, claim 1 is currently amended to reflect the proper alternative form. Claims 8, 10, and 13-16 have been canceled without prejudice. The Applicants reserve the right to prosecute the subject matter of the canceled claims in divisional and/or continuing applications.

Obviousness-type double patenting rejections

Claim 1, 2, 6, 7, 9, and 11 stand rejected under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claims 1, 3, 7-9, and 12 of U.S. Application No. 10/510,220. The Applicants note the U.S. Application No. 10/510,220 has since issued as U.S. Patent No. 7,265,103. While the Applicants do not necessarily agree, in order to advance this application to allowance, submitted herewith is a terminal disclaimer which should be sufficient to overcome the rejection.

Claims 1-3, 6, 7, 9, and 11 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claims 1, 3, 7-9, and 12 of U.S. Application No. 10/524,989. The claims of the present application were filed before those of the 989 Application. As such, no terminal disclaimer is required in this application as to the claims of the 989 Application.

The Applicants assert that the present application is now in condition for allowance. An early Notice of Allowance is, therefore, earnestly solicited.

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